

110TH CONGRESS
1ST SESSION

H. R. 4056

To establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2007

Mr. ELLSWORTH (for himself, Mrs. MALONEY of New York, and Mr. HOLDEN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Law Enforce-
5 ment Officers Congressional Badge of Bravery Act of
6 2007”.

7 **SEC. 2. FINDINGS.**

8 Congress finds as follows:

9 (1) According to the Department of Justice, in
10 the past 7 years, an average of 150 Federal law en-

1 enforcement officers per year sustained physical inju-
2 ries while dealing with an assaultive subject.

3 (2) More than 70 Federal agencies employ Fed-
4 eral law enforcement officers but only 2 such agen-
5 cies have an awards mechanism to recognize Federal
6 law enforcement officers who are injured in the line
7 of duty.

8 (3) In contrast to the lack of an awards mecha-
9 nism for Federal law enforcement officers, the Presi-
10 dent awards the Purple Heart for military personnel
11 wounded or killed during armed service, and most
12 State and local police departments have commenda-
13 tions and medals for officers who are injured in the
14 line of duty.

15 (4) Formal congressional recognition does not
16 exist to honor Federal law enforcement officers who
17 are injured in the line of duty.

18 (5) It is appropriate for Congress to recognize
19 and honor the brave men and women in Federal law
20 enforcement who are injured while putting them-
21 selves at personal risk in the line of duty.

22 **SEC. 3. AUTHORIZATION OF A BADGE.**

23 The Attorney General may award, and a Member of
24 Congress or the Attorney General may present, in the
25 name of Congress a Congressional Badge of Bravery (in

1 this Act referred to as the “Badge”) to a Federal law en-
2 forcement officer who is cited by the Attorney General,
3 upon the recommendation of the Congressional Badge of
4 Bravery Board, for sustaining a physical injury on or after
5 January 1, 2007, while in the line of duty.

6 **SEC. 4. NOMINATIONS.**

7 (a) IN GENERAL.—An agency head may nominate for
8 a Badge an individual who meets the following criteria:

9 (1) The individual is a Federal law enforcement
10 officer working within the agency of the agency head
11 making the nomination.

12 (2) The individual sustained a physical injury
13 while engaged in his or her lawful duties.

14 (3) The individual put himself or herself at per-
15 sonal risk when the injury described in paragraph
16 (2) occurred.

17 (4) The injury described in paragraph (2) oc-
18 curred during some form of conduct characterized as
19 bravery by the agency head making the nomination.

20 (b) CONTENTS.—A nomination under subsection (a)
21 shall include—

22 (1) a written narrative, of not more than 2
23 pages, describing the circumstances under which the
24 nominee sustained a physical injury described in

1 subsection (a) and how the circumstances meet the
2 criteria described in such subsection;

3 (2) the full name of the nominee;

4 (3) the home mailing address of the nominee;

5 (4) the agency in which the nominee served on
6 the date when such nominee sustained a physical in-
7 jury described in subsection (a);

8 (5) the occupational title and grade or rank of
9 the nominee;

10 (6) the field office address of the nominee on
11 the date when such nominee sustained a physical in-
12 jury described in subsection (a); and

13 (7) the number of years of Government service
14 by the nominee as of the date when such nominee
15 sustained a physical injury described in subsection
16 (a).

17 (c) SUBMISSION DEADLINE.—

18 (1) INJURIES SUSTAINED BEFORE AUGUST
19 15.—In the case of an individual who sustained a
20 physical injury described in subsection (a) on or
21 after January 1 of a year and before August 15 of
22 such year, to nominate such individual under such
23 subsection for a Badge, an agency head shall submit
24 such nomination to the Congressional Badge of
25 Bravery Office by February 15 of the following year.

1 (2) INJURIES SUSTAINED ON OR AFTER AUGUST
2 15.—In the case of an individual who sustained a
3 physical injury described in subsection (a) on or
4 after August 15 of a year, to nominate such indi-
5 vidual under such subsection for a Badge, an agency
6 head shall submit such nomination to the Congres-
7 sional Badge of Bravery Office by February 15 of
8 the second year following the date on which the indi-
9 vidual sustained such physical injury.

10 **SEC. 5. CONGRESSIONAL BADGE OF BRAVERY BOARD.**

11 (a) ESTABLISHMENT.—There is established within
12 the Department of Justice a Congressional Badge of Brav-
13 ery Board (in this Act referred to as the “Board”).

14 (b) DUTIES.—The Board shall do the following:

15 (1) Design the Badge with appropriate ribbons
16 and appurtenances.

17 (2) Select an engraver to produce each Badge.

18 (3) Not later than July 15 of each year, rec-
19 ommend recipients of the Badge from among those
20 nominations timely submitted to the Congressional
21 Badge of Bravery Office by February 15th of such
22 year.

23 (4) Annually present to the Attorney General
24 the names of Federal law enforcement officers who

1 the Board recommends as Badge recipients in ac-
2 cordance with the criteria described in section 4(a).

3 (5) After approval by the Attorney General—

4 (A) procure the Badges from the engraver
5 selected under paragraph (2);

6 (B) send a letter announcing the award of
7 each Badge to the agency head who nominated
8 the recipient of such Badge;

9 (C) send a letter to each Member of Con-
10 gress representing the congressional district
11 where the recipient of each Badge resides to
12 offer such Member an opportunity to present
13 such Badge;

14 (D) make or facilitate arrangements for
15 presenting each Badge in accordance with sec-
16 tion 7; and

17 (E) provide for the posting of the name of
18 each recipient of the Badge on the public Inter-
19 net site of the Department of Justice.

20 (6) Set an annual timetable for fulfilling the
21 duties described in this subsection.

22 (c) MEMBERSHIP.—

23 (1) NUMBER AND APPOINTMENT.—The Board
24 shall be composed of 7 members (in this Act re-

1 ferred to as the “Board members”) appointed as fol-
2 lows:

3 (A) One member jointly appointed by the
4 majority leader and minority leader of the Sen-
5 ate.

6 (B) One member jointly appointed by the
7 Speaker and minority leader of the House of
8 Representatives.

9 (C) One member from the Department of
10 Justice appointed by the Attorney General.

11 (D) Four members of the Federal Law
12 Enforcement Officers Association appointed by
13 the Executive Board of the Federal Law En-
14 forcement Officers Association.

15 (2) LIMITATIONS.—

16 (A) APPLICABLE TO MEMBERS OF THE
17 FEDERAL LAW ENFORCEMENT OFFICERS ASSO-
18 CIATION.—No more than 5 Board members
19 may be members of the Federal Law Enforce-
20 ment Officers Association.

21 (B) APPLICABLE TO NOMINATING OFFI-
22 CIALS.—In the case of a Board member who is
23 an agency head, if such member nominates an
24 individual under section 4(a), such member may
25 not participate in any evaluation or rec-

1 ommendation process of the Board with respect
2 to such individual.

3 (3) QUALIFICATIONS.—Board members shall be
4 individuals with knowledge or expertise, whether by
5 experience or training, in the field of Federal law en-
6 forcement.

7 (4) TERMS AND VACANCIES.—Each Board
8 member shall be appointed for 2 years and may be
9 reappointed. A vacancy in the Board shall not affect
10 the powers of the Board and shall be filled in the
11 same manner as the original appointment.

12 (d) OPERATIONS.—

13 (1) CHAIRPERSON.—The Chairperson of the
14 Board shall be a Board member elected by a major-
15 ity of the Board.

16 (2) MEETINGS.—The Board shall conduct its
17 first meeting not later than 90 days after the ap-
18 pointment of a majority of Board members. There-
19 after, the Board shall meet at the call of the Chair-
20 person, or in the case of a vacancy of the position
21 of Chairperson, at the call of the Attorney General.

22 (3) VOTING AND RULES.—A majority of Board
23 members shall constitute a quorum to conduct busi-
24 ness, but the Board may establish a lesser quorum
25 for conducting hearings scheduled by the Board. The

1 Board may establish by majority vote any other
2 rules for the conduct of the business of the Board,
3 if such rules are not inconsistent with this Act or
4 other applicable law.

5 (e) POWERS.—

6 (1) HEARINGS.—

7 (A) IN GENERAL.—The Board may hold
8 hearings, sit and act at times and places, take
9 testimony, and receive evidence as the Board
10 considers appropriate to carry out the duties of
11 the Board under this Act. The Board may ad-
12 minister oaths or affirmations to witnesses ap-
13 pearing before it.

14 (B) WITNESS EXPENSES.—Witnesses re-
15 quested to appear before the Board may be
16 paid the same fees as are paid to witnesses
17 under section 1821 of title 28, United States
18 Code. The per diem and mileage allowances for
19 witnesses shall be paid from funds appropriated
20 to the Board.

21 (2) INFORMATION FROM FEDERAL AGENCIES.—

22 Subject to sections 552, 552a, and 552b of title 5,
23 United States Code—

1 (A) the Board may secure directly from
2 any Federal department or agency information
3 necessary to enable it to carry out this Act; and

4 (B) upon request of the Board, the head of
5 that department or agency shall furnish the in-
6 formation to the Board.

7 (3) INFORMATION TO BE KEPT CONFIDEN-
8 TIAL.—The Board shall not disclose any information
9 which may compromise an ongoing law enforcement
10 investigation or is otherwise required by law to be
11 kept confidential.

12 (f) COMPENSATION.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), Board members shall serve without pay.

15 (2) TRAVEL EXPENSES.—Each Board member
16 shall receive travel expenses, including per diem in
17 lieu of subsistence, in accordance with applicable
18 provisions under subchapter I of chapter 57 of title
19 5, United States Code.

20 **SEC. 6. CONGRESSIONAL BADGE OF BRAVERY OFFICE.**

21 There is established within the Department of Justice
22 a Congressional Badge of Bravery Office (in this Act re-
23 ferred to as the “Office”). The Office shall—

24 (1) receive nominations from agency heads on
25 behalf of the Board and deliver such nominations to

1 the Board at Board meetings described in section
2 5(d)(2); and

3 (2) provide staff support to the Board to carry
4 out the duties described in section 5(b).

5 **SEC. 7. PRESENTATION OF BADGES.**

6 (a) PRESENTATION BY MEMBER OF CONGRESS.—A
7 Member of Congress may present a Badge to any Badge
8 recipient who resides in such Member’s congressional dis-
9 trict. If both a Senator and Representative choose to
10 present a Badge, such Senator and Representative shall
11 make a joint presentation.

12 (b) PRESENTATION BY ATTORNEY GENERAL.—If no
13 Member of Congress chooses to present the Badge as de-
14 scribed in subsection (a), the Attorney General, or a des-
15 ignee of the Attorney General, shall present such Badge.

16 (c) PRESENTATION ARRANGEMENTS.—The office of
17 the Member of Congress presenting each Badge may make
18 arrangements for the presentation of such Badge, and if
19 a Senator and Representative choose to participate jointly
20 as described in subsection (a), the Members shall make
21 joint arrangements. The Board shall facilitate any such
22 presentation arrangements as requested by the congres-
23 sional office presenting the Badge and shall make arrange-
24 ments in cases not undertaken by Members of Congress.

1 (d) LIMITATION.—A Badge may not be awarded
2 under this section during the 60-day period before the
3 date of a Congressional election.

4 **SEC. 8. DEFINITIONS.**

5 For purposes of this Act:

6 (a) FEDERAL LAW ENFORCEMENT OFFICER.—The
7 term “Federal law enforcement officer” means a Federal
8 employee—

9 (1) who has statutory authority to make ar-
10 rests;

11 (2) who is authorized by his or her agency to
12 carry firearms; and

13 (3) whose duties are primarily—

14 (A) the investigation, apprehension, or de-
15 tention of individuals suspected or convicted of
16 a Federal criminal offense; or

17 (B) the protection of Federal officials
18 against threats to personal safety.

19 (b) AGENCY HEAD.—The term “agency head” means
20 the head of any executive, legislative, or judicial branch
21 Government entity that employs Federal law enforcement
22 officers.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Attor-
3 ney General such sums as may be necessary to carry out
4 this Act.

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